

CHAPTER 72.

[S. B. 67.]

HIGHWAY IMPROVEMENT AT EXPENSE OF LAND
BENEFITED.

AN ACT relating to the improvement of certain highways, providing a method for the collection and payment of the cost thereof, and amending sections 5731, 5733, 5737, 5738, 5739, 5740, 5741, 5742, 5744, 5745, 5746, 5747, 5755, 5756, 5757, 5761, 5762, 5763, 5764 and 5765, and repealing sections 5748, 5749, 5750, 5751, 5752, 5753, 5754, 5766 and 5767 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 5731 of Rem. & Bal. Code be amended to read as follows:

Section 5731. The word "improvement" as used in this chapter shall mean a road as contemplated to be improved under this chapter. The word "road" shall be construed to mean a public highway or thoroughfare. The words "territory (or property) particularly benefited" as used in this chapter shall be construed to include, in addition to the lands lying within two miles of either side of the center line of the improvement, all road districts or townships which will be subject to assessment for the improvement. The words "improvement boundary" as used in this chapter shall be construed to mean lines on either side of the road, following the meanders thereof, and two miles distant from, or within a two mile radius of any point on, the center line of improvement connected at the respective termini thereof by lines drawn at such angles respectively as will avoid the overlapping of the boundary by a new district, should the improvement of the highway be extended, and at the same time include all property lying within the distance aforesaid of any point on the center line of one or the other of the improvements: *Provided*, That when the center line of the improvement intersects the corporate boundary of a city or town the line connecting the termini of the side boundary lines shall follow the meandering of the city boundary insofar as said boundary shall come within said two mile limit: *Provided*,

Definition
of terms.

Intersection
with city
boundaries.

That any road district may build, re-grade, or otherwise improve, in any manner, regardless of the termini thereof, any road or part thereof, within the limits of such road district, under the provisions of this act. Words used in the singular in this chapter shall include the plural and the plural shall include the singular.

Improve-
ment
irrespective
of termini.

SEC. 2. That section 5733 of Rem. & Bal. Code be amended to read as follows:

Section 5733. An improved road contemplated under this chapter shall be constructed as near as practicable along the center line of an established highway, and shall be uniformly graded to a width of not less than sixteen feet; the grade thereof shall not at any point, exceed five per cent: *Provided*, That where by reason of physical conditions it is not feasible or practicable to obtain a grade of five per cent, a grade of not to exceed ten per cent may be used; proper drains, culverts and bridges shall be constructed to convey off all surface and seepage water, and when the road is located along a hillside or incline, the drainage of the surface of the roadbed shall be toward the hillside or incline; a roadway shall be constructed upon the graded road in such manner and of such material as will permit of heavy freighting and rapid driving during any time of the year, and if such construction shall be of macadam, concrete, brick or other hard surface it shall not be less than sixteen feet wide.

Width of
improved
road.

Grade per
cent.

Drainage.

SEC. 3. That section 5737 of Rem. & Bal. Code be amended to read as follows:

Section 5737. If the bond be approved by the clerk of the board of county commissioners, he shall immediately deliver a copy of the petition to the commissioners, who shall fix a time and place for the hearing and consideration of said petition, which time shall be not less than fifteen nor more than sixty days from the date of filing the petition, and shall cause a notice of said hearing, stating the subject matter of said petition and the place and time of the hearing, to be published in the official newspaper of the county for two weeks immediately pre-

Hearing of
petition.

ceding the hearing, and proof of such publication, verified by the affidavit of the owner or publisher of said newspaper, shall be filed with the clerk of the board of county commissioners on or before the date of hearing, and pending said hearing the board of county commissioners shall cause the county engineer to make a preliminary survey of said proposed improvement, and an estimate of the cost thereof, and the engineer shall attend said hearing and report the estimated cost of said improvement, together with his recommendations as to the feasibility of said improvement, and his suggestions as to the nature and character thereof. If at the hearing the commissioners shall determine that the improvement asked for is not feasible, or that the cost thereof will be excessive, they shall dismiss the petition and the proceedings at the cost of the petitioners, and shall cause an itemized bill of costs to be made up by the clerk for their examination and approval, which shall include the per diem of the engineer, and all other costs necessarily incurred. If the commissioners find for the improvement they shall, by resolution entered in their journal, order said improvement.

Dismissal.

SEC. 4. That section 5738 of Rem. & Bal. Code be amended to read as follows:

Section 5738. If the improvement is ordered by the board of county commissioners, the board may require the county engineer to perform all engineering in connection with, and to supervise the construction of, said improvement, or may, at the request of the petitioners, employ a construction engineer for that purpose and fix his compensation, and such compensation shall be paid by the county.

Order for improvement.

Engineer.

Whenever the board of county commissioners shall pass a resolution ordering the improvement of a public highway under the provisions of this act, a certified copy thereof shall be transmitted to the county engineer, or construction engineer, appointed as aforesaid, who shall thereupon make the necessary surveys and prepare the pro-

Profiles, plans, and estimates.

files, maps, plans, specifications and an estimate of the cost of construction or improvement of the highway, or section thereof, described in the resolution making such recommendations concerning deviations from existing lines as he shall deem of advantage to obtain a shorter and more direct route or to lessen gradients, or to otherwise improve such highway.

Upon the completion of such profiles, maps, plans, specifications and estimate, a copy thereof shall be transmitted to the board of county commissioners, and upon the receipt of which, the board of county commissioners may pass a resolution adopting the same and that such highway, or section thereof, shall be improved under the provision of this act. The profiles, maps, plans, specifications and estimate as finally adopted by the board of county commissioners shall be filed in the office of the county engineer and shall become a permanent record of the county. The engineer shall also make and return a schedule and plat of all the lots and lands lying within the improvement boundary, which plat shall be drawn upon a scale sufficiently large to represent all the meanderings of the road proposed to be improved, and shall distinctly show the boundary lines of each lot or tract of land included in the improvement boundary, the name of the owner of each lot or tract of land as the same may appear upon the records in the office of the county auditor at the time, and an estimate of the total cost of the entire improvement proposed, which estimate shall include all fees and salaries estimated to be paid for locating, supervising and appraising, together with such other matters as the engineer may deem material. The profiles shall show the surface line, the grade line and the gradient fixed, and the engineer shall make and file with his report an itemized bill of all costs made in the discharge of his duty under this section, and shall file his report with the clerk of the board of county commissioners immediately after making the survey.

Adoption of specifications.

Schedule of lands in district.

SEC. 5. That section 5739 of Rem. & Bal. Code be amended to read as follows:

Appraisers.

Section 5739. Immediately upon the filing of the engineer's report, the county commissioners shall appoint three disinterested appraisers, residing within the county, but not within the territory particularly benefited by the proposed improvement, whose duty it shall be to at once proceed to assess the benefits of such proposed improvement to the corporations, companies, persons and property particularly benefited thereby, and estimate the damages to property over or through which the road shall be established or re-located, and award the same to the owners thereof. Before entering upon their duties, the appraisers shall severally take and subscribe to an oath to impartially and, to the best of their knowledge and ability, perform the duties required of them, and file said oath with the clerk of the board of county commissioners. Said clerk shall thereupon and forthwith deliver into the hands of the appraisers the engineer's report upon the proposed improvement, and all maps, charts and schedules pertaining thereto, taking a receipt from said appraisers therefor. The appraisers shall thereupon proceed to actually view in person all lands as shall appear from the engineer's report to lie within the improvement boundary, and obtain from the duplicate assessment-roll of the county the total assessed valuation at the time of all property within the limits of any road district or township through or into which the proposed improvement is located. They shall then prepare a schedule, which shall set forth:

Oath.

Duties.

County benefits.

1. The benefits assessed to the county for such improvement, shall be one-half of the whole estimated cost thereof;

Road district benefits.

2. The benefits assessed to each road district or township through or into which the improvement is located, which assessment shall be equal upon all the assessed property in the road district or township according to the value thereof as shall appear upon the duplicate assessment-roll of the county at the time, and which benefits shall

be one-fourth of the whole estimated cost of the improvement within the boundary of the road district or township.

3. The benefits assessed to the lots and lands lying within the proposed improvement boundary, listing each tract of land assessed, giving the number of acres thereof, the owner as shall appear of record, the estimated valuation of each tract exclusive of improvement, and the benefit assessed thereto, and the total amount of benefits assessed to lots and lands shall be one-fourth of the whole estimated cost of the proposed improvement: *Provided*, That the lots or tracts of land within the improvement boundary whose natural outlet will not be in whole or in part over said road when improved, shall not be separately assessed under the provisions of this clause.

Benefits assessed against individual owners.

Exceptions.

4. A list of each tract or lot or portion thereof taken and damaged by the establishment or re-location of the road proposed to be improved and the lands contiguous or lying near thereto on which is located material necessary or available to be used in the construction of the proposed improvement, and of materials available for construction on contiguous or near lying lands, which list shall recite the number of acres of each of such lands so to be taken or damaged, and the amount of such contiguous or near lying materials estimated to be required, the owner thereof as shall appear of record, the estimated value thereof including improvement thereon, and the damages resulting therefrom, and the award made therefor.

Estimate of damages.

SEC. 6. That section 5740 of Rem. & Bal. Code be amended to read as follows:

Section 5740. The appraisers shall, within sixty days after date of entering upon their duties, file a report of their findings, together with the engineer's report and all other papers to them delivered, with the clerk of the board of county commissioners, which report shall contain a schedule and estimate of all property that will be damaged, or benefited, or both damaged and benefited by the proposed improvement. Such schedule and estimate shall be arranged in parallel columns, with appropriate headings,

Appraisers' report.

and shall show the description of the property, and if land, give the legal subdivisions, section, township and range and number of acres; and if platted, the name of the plat and the lot and block number; the name of the owner or owners or reputed owner or owners; the estimated gross damages that will be sustained by reason of the proposed improvement; the estimated gross benefits that will accrue; and the right-hand column of the schedule shall be sufficiently wide for the signature of the owner, and shall bear the heading: "I, the undersigned owner of the property opposite which I have signed my name, accept and agree to the estimated amount of benefits and damages that will accrue to my property by reason of the proposed improvement;" and the appraisers shall make and file with their report an itemized bill of all costs made in the proper discharge of their duties under this chapter; and in such bill the appraisers shall not charge for services in excess of four dollars per day for each appraiser for time actually employed, and no extra compensation shall be allowed for mileage; upon the filing of such report the clerk shall without delay fix a date for the hearing of the reports of the engineer and appraisers; which date shall be not less than fifteen or more than thirty days from the date of filing said reports, and shall prepare a notice in writing, directed to all owners of land, road districts or township, affected by the improvement, setting forth the pendency, substance and prayer of petition, and enumerating the townships or road districts and the several sections of land, according to the United States survey, which shall lie wholly or partially within the proposed improvement district, and a tabular statement of the assessments of benefits and awards of damages as made by the appraisers in their report, and stating the time and place of the hearing thereon. Such notice shall be published in the official newspaper of the county for at least two consecutive weeks before the day set for the hearing, which publication shall be proved by the affidavit of the printer or publisher of such newspaper and filed with the clerk on or before the date of hearing.

Notice of
hearing on
report.

SEC. 7. That section 5741 of Rem. & Bal. Code be amended to read as follows:

Section 5741. On the date set for said hearing the board of county commissioners shall meet at the place designated in the notice, and shall first determine whether the required notice has been given. If they find that due notice has not been given, they shall continue the hearing to a day to be fixed by them and order the notice to be published as hereinabove provided. If it appear that due notice of such hearing has been given, the board of county commissioners shall proceed with the hearing on the report of the engineer and the appraisers, and any objections thereto, and may adjourn said hearing from time to time.

Hearing before county commissioners.

SEC. 8. That section 5742 of Rem. & Bal. Code be amended to read as follows:

Section 5742. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the improvement and the probable benefits to accrue therefrom, and may change, add to or modify the plans for such improvement, and change the estimate of damages or benefits in any case, and may review, change and modify any of the findings and estimates of the engineer or the appraisers, and may, in its discretion, employ another engineer to make separate findings on any or all of the matters hereinbefore required to be included in the report of the engineer and may adjourn said hearing and await such report. In case any change in the plans of the proposed improvements is made at said hearing, and such change will cause additional damages to any property, or will damage any property not damaged under the original plans, the engineer and appraisers shall prepare and file a schedule showing the estimated damages and benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected, and settlement made as hereinafter provided.

Power to amend plans.

Engineer's schedule under changed plans.

SEC. 9. That section 5744 of Rem. & Bal. Code be amended to read as follows:

Owner's
deeds to
county.

Section 5744. In case any owner of property to be taken or damaged, or taken and damaged, by the proposed improvement shall agree to accept the damages estimated by the appraisers, or as fixed by the board of county commissioners, the board of county commissioners shall direct the clerk of the board to prepare a deed to be approved by the engineer and the prosecuting attorney, conveying to the county, for the benefit of the proposed district, the property to be taken, and the right to damage property not taken. If the damages agreed upon are equalled or exceeded by the agreed estimated benefits, the grantors in the deed shall execute and deliver the same without consideration other than the right to have the damages offset against the benefits in the apportionment of the cost of the improvement as hereinafter provided. If the damages agreed to are damages to property not benefited, or if such damages exceed the agreed benefits, the grantors in the deed shall execute and deliver the same upon the receipt of a warrant drawn by the county auditor, under the direction of the board of county commissioners, upon the general road and bridge fund of the county, for the amount of damages, or the amount of excess of damages over benefits, as the case may be. No such deed shall be accepted, either with or without consideration, until the title conveyed thereby has been approved by the prosecuting attorney.

SEC. 10. That section 5745 of Rem. & Bal. Code be amended to read as follows:

Condemna-
tion
proceedings
on failure to
deed lands.

Section 5745. If at the conclusion of the hearing on the report of the engineer and appraisers, it shall appear to the board of county commissioners that the owner of any property to be taken or damaged by the proposed improvement, has not accepted and agreed to the damages estimated by the appraisers or fixed by the board, the board may, in its discretion, appoint an agent to secure acceptances and deeds from such owners, and shall, within

a reasonable time, direct the prosecuting attorney of the county to institute proceedings in the superior court of the county in which the property affected is located, for the determination of the damages to be sustained and the condemnation of any property the title to which or the right to damage which has not been acquired, and shall direct the clerk of the board to furnish the attorney with a certified copy of such proceedings of the board as he shall require.

SEC. 11. That section 5746 of Rem. & Bal. Code be amended to read as follows:

Section 5746. For the purpose of taking or damaging property for the purposes of this chapter, counties shall have and exercise the power of eminent domain and the mode of procedure therefor shall be as provided by law for the condemnation of lands by counties for public highways.

Eminent domain conferred.

SEC. 12. That section 5747 of Rem. & Bal. Code be amended to read as follows:

Section 5747. The jury in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, That the jury, in determining the amount of damages, shall take into consideration the benefits, if any, that will accrue to the property damaged by reason of the proposed improvement, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of benefits that will accrue. If it shall appear by the verdict of the jury that the gross damages exceed the gross benefits, judgment shall be entered against the county and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over the benefits, and for the costs of the proceedings, and upon payment of the judgment into the registry of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the county. If it shall appear by the verdict that the gross benefits as found by the jury equal or exceed the

Verdict of jury determining damages.

gross damages, judgment shall be entered against the county and in favor of the owner or owners for costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the property appropriated in the county. The verdict and findings of the jury as to damages and benefits shall be binding upon the board of county commissioners, and the necessary amendments to comply therewith shall be made upon the schedule of damages and benefits prepared by the appraisers and filed with the board of county commissioners.

Repealing
clause.

SEC. 13. That sections 5748, 5749, 5750, 5751, 5752, 5753, 5754, 5766 and 5767 of Rem. & Bal. Code be hereby repealed.

SEC. 14. That section 5755 of Rem. & Bal. Code be amended to read as follows:

Bids for
construction.

Section 5755. At any time after the expiration of five days from the entry of the resolution of the board of county commissioners ordering an improvement under the provisions of this act, the board of county commissioners may fix a time for the receiving and opening of sealed bids for the construction of the proposed improvement, and if in the opinion of the board of county commissioners the interests of the public will be advanced thereby, they may divide the improvement into sections of a more or less number of lineal feet, and call for bids on each of said sections, or they may call for bids for each kind of work to be done or material to be furnished, or any one or more of such kinds of labor and material, as they may believe to be advisable, but in every case all of the construction shall be performed by contract, duly awarded, as provided in this section. They shall cause notice to be given, as hereinafter provided, of the time and place of awarding contracts, and shall direct the engineer who made the survey and estimates, or other competent engineer, to attend at the time and place of opening bids. The board of county commissioners shall superintend and conduct the same, receive all bids for the construction of

the improvement, and enter into agreements in the name of the county. The notice for bids shall state the location and general nature of the improvements to be done, and where the plans and specifications are filed for examination, and shall be signed by the clerk of the board of county commissioners by order of the board. The notice shall be published for at least two consecutive weeks previous to the date of receiving and opening bids, in one or more daily or weekly newspapers published and of general circulation in the county, and in such other manner as the board may see fit to direct.

Call for
bids.

SEC. 15. That section 5756 of Rem. & Bal. Code be amended to read as follows:

Section 5756. Every bid shall be accompanied by a certified check for at least one-tenth of the amount bid, in case the bid is for one thousand dollars (\$1,000.00) or less, and for not less than one-twentieth of the amount bid in case the bid exceeds one thousand dollars (\$1,000.00), payable to the county, which check shall be forfeited to the county upon the failure of any successful bidder for a period of ten days after any contract is awarded to such bidder to execute a contract in writing to perform the work according to the plans and specifications, and furnish the bond required. No bid shall be received by the board of county commissioners unless the same was filed with the clerk of the board prior to the time fixed in the notice calling therefor, and at the time fixed all bids then received shall be immediately opened and publicly read. The board of county commissioners may reject any or all bids if in their judgment good cause exists therefor, or if the total amount of bids for the several items of construction for which bids were called for shall exceed the estimated cost of construction, but otherwise they shall award the contract or contracts to the lowest and best responsible bidder or bidders who shall give satisfactory evidence of ability to perform the contract or contracts. Bidders to whom contracts shall be

Check or
bond to
accompany
bid.

Power to
reject bids.

Surety
bonds on
contracts.

awarded, shall execute for the benefit of the county, a surety bond to accompany each separate contract, conditioned for the faithful performance of the contract, in a sum equal to the full amount of the contract.

SEC. 16. That section 5757 of Rem. & Bal. Code be amended to read as follows :

Payments
on contracts.

Section 5757. When the amount of any contract is less than one thousand dollars (\$1,000.00) no payment shall be made thereon until the contract is fully completed to the satisfaction of the board. When partial payments are provided for in any contract, as each payment becomes due and before payment shall be made, the engineer in charge of the work shall file with the clerk of the board of county commissioners an estimate of the amount of work done or material furnished, and his certificate that such work has been done in all respects as required by the contract. If such estimate and certificate be approved by the board of county commissioners the clerk of the board shall as county auditor draw a warrant on the county treasurer in favor of the contractors for the amount due: *Provided*, That no partial payment made during the progress of the work shall exceed eighty per centum of the estimated value of the work done: *And provided further*, That before any final payment is made on any contract, the work shall first be examined by the engineer who prepared the estimate, or other competent engineer appointed by the board of county commissioners, and the engineer shall file his certificate with the clerk of the board of county commissioners that the work has been fully performed and completed in accordance with the contract. Upon the filing of such certificate of the engineer the board of county commissioners shall examine the work, and if the same is found to have been fully completed in accordance with the contract, shall by resolution entered in their minutes make final payment and direct the county auditor to draw his warrant on the country treasurer for the amount due.

Partial
payments.

Final
payment.

SEC. 17. That section 5761 of Rem. & Bal. Code be amended to read as follows:

Section 5761. When the petition shall so request, the portion of the cost of the improvement chargeable to the improvement district shall be paid for in annual installments by an annual tax levied upon the property assessed for benefits in proportion to the benefits assessed. The petition shall set forth "that the improvement be paid for on the years installment plan," and the number of years shall not be more than twenty. When the improvement is done under the provisions of this section the board of county commissioners shall by resolution direct the county treasurer to open an account to be known as "the road improvement fund." The clerk of the board of county commissioners shall divide the total estimated cost of the improvement and apportion the same in accordance with the findings and report of the board of appraisers and those portions of the expense to be borne by the county, townships or road districts shall be levied and collected as other taxes, after the awarding of the contract for said improvement: *Provided*, That the board of county commissioners shall if the petitioners so request arrange that the portion of the expense to be borne by the road districts or townships be paid in not to exceed five annual installments and the board may in its discretion provide that the portion of the expense to be borne by the county be paid in not to exceed five annual installments, and shall divide that portion of the expense to be borne by the county, road district or townships, and also the lots and land lying within the proposed improvement boundaries and found to be specially benefited, into as many equal parts as there are installments, and shall each year, when an installment is payable, extend the amount of the same together with interest on the deferred payments at the rate of six per centum per annum upon the duplicate assessment roll against the persons and property assessed for benefits, and it shall be the duty of the county treasurer to collect the same as other taxes

Payment
in annual
installments.

are collected: *Provided, further,* That the owners may pay all or any number of such deferred payments at any time after the filing of the approved schedule of assessments with the county treasurer.

SEC. 18. That section 5762 of Rem. & Bal. Code be amended to read as follows:

Road im-
provement
fund.

Section 5762. That all monies collected by levy and assessment for improvements made under the provisions of this act shall be paid into such "... road improvement fund" and all payments made for costs of said improvements shall be paid by warrants drawn by the county auditor on said improvement fund upon presentation of proper vouchers, and such warrants shall bear interest at a rate not exceeding six per cent per annum.

Warrants
on.

SEC. 19. That section 5763 of Rem. & Bal. Code be amended to read as follows:

Bond issue
authorized.

Section 5763. That whenever the board of county commissioners shall have provided for the payment of said assessment in installments, as aforesaid, it may, if it shall deem it necessary or proper, issue bonds of the county, payable from the said road improvement fund, not to exceed twenty years after the date of the issuance thereof, with such option to redeem as shall be advisable, in an amount not exceeding the cost of such improvement, and said bonds shall bear interest at a rate not greater than six per cent per annum, and shall be sold at not less than par, by the board of county commissioners in such manner as they shall deem advisable: *Provided,* That should there not be sufficient money in said improvement fund to make payment of any installment of interest, or the bonds when due, said interest or bonds may be paid out of the general road and bridge fund or the current expense fund of the county, as may be directed by the board of county commissioners, and such fund shall be reimbursed from said improvement fund from time to time as monies are paid therein.

Interest
payments
out of gen-
eral funds.

SEC. 20. That section 5764 of Rem. & Bal. Code be amended to read as follows:

Section 5764. That when a proposed road improvement shall intersect a road which has been completed or ordered constructed under any local improvement plan, that portion of the proposed new district overlapping the limits of the old improvement district shall be divided into four equal subdivisions parallel to the previously improved road, and numbered consecutively from the line of the previously improved road on either side thereof. The first subdivision shall be assessed one-fifteenth of the cost of the proposed new road improvement, the second, two-fifteenths of the cost of the proposed new road improvement, the third, three-fifteenths of the cost of the proposed new road improvement and the fourth, four-fifteenths of the cost of the proposed new road improvement, and the remainder of the cost of the improvement chargeable to said area shall be paid by the county out of the general road and bridge fund.

Adjustment where new district overlaps old.

SEC. 21. That section 5765 of Rem. & Bal. Code be amended to read as follows:

Section 5765. That no assessments for road construction or improvements, under the terms of this act, for which any county may be held liable, shall ever exceed four mills in any one year.

Limit of tax levy.

SEC. 22. Nothing in this act shall be construed as affecting any improvements already begun under the provisions of the act of which this act is amendatory, or any outstanding obligations incurred under such act: *Provided, further,* That all proceedings completed or uncompleted, heretofore had under sections 5730 to 5782 inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, whether pursuant to said sections or in accordance with this act, are hereby declared valid and binding, and may be completed under this act.

Uncompleted construction under prior act.

SEC. 23. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 15, 1917.

Passed the House February 28, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 73.

[S. B. 239.]

RE-APPROPRIATION OF UNEXPENDED BALANCE FOR PERMANENT HIGHWAYS.

AN ACT re-appropriating one million fifty thousand one hundred eighty dollars and eighteen cents (\$1,050,180.18) from the permanent highway fund to complete contracts now in force on permanent highways and for new construction and maintenance of permanent highways and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That the sum of one million fifty thousand one hundred eighty dollars and eighteen cents (\$1,050,180.18), or as much thereof as may be necessary, be and the same is hereby re-appropriated from the permanent highway fund for completing work already under contract and construction on permanent highways, and for new construction on and the maintenance of permanent highways, the same being the unexpended balance of the permanent highway appropriations as shown by the state auditor's books on February 1st, 1917.

SEC. 2. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately.

Passed the Senate February 19, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

Appropriation, \$1,050,180.18.

Emergency.